

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with the provisions of the Federal Clean Water Act as amended, (33 U.S.C. §§1251 et seq.; the "CWA", and the Massachusetts Clean Waters Act, as amended, (M.G.L. Chap. 21, §§26-53),

Simon Property Group/Mayflower Emerald Square

is authorized to discharge from a facility located at

**999 South Washington Street
Route 1 at Route I-295
North Attleboro, MA 02760**

to the Sevenmile River via an unnamed wetland (Ten Mile Watershed - Basin Segment 52-07)

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective (see *** below)

This permit and the authorization to discharges expire at midnight, 5 years from the effective date.

This permit supersedes the permit issued on September 30, 1999.

This permit consists of eight (8) pages in Part I including effluent limitations, monitoring requirements, etc. and 35 pages in Part II including General Conditions and Definitions.

Signed this 1st day of November, 2004

/s/ SIGNATURE ON FILE

Linda M. Murphy, Director
Office of Ecosystem Protection
Environmental Protection Agency
Boston, MA

Glenn Haas, Director
Division of Watershed Management
Massachusetts Department of Environmental
Protection
Boston, MA

*** This permit will become effective on the date of signature if no comments are received during public notice.
If comments are received during public notice, this permit will become effective 60 days after signature.

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning on the effective date and lasting through expiration the permittee is authorized to discharge from outfall serial number 001, treated storm water runoff from on-site and off-site drainage areas designated as the upper watershed. (See attachment B for location)

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>	<u>Monitoring Requirements</u>	
		<u>Measurement Frequency</u>	<u>Sample Type</u>
pH (S.U.)	6.5-8.3 range (See Part I.A.4)	1/quarter	Grab
Flow (mgd)	Report	1/quarter	Estimate
Total Suspended Solids (TSS)	30 mg/l	1/quarter	Grab
Oil and Grease	5 mg/l	1/quarter	Grab
Lead, Total	20 ug/l	1/quarter	Grab
Copper, Total	17.5 ug/l	1/quarter	Grab
Zinc, Total	65 ug/l	1/quarter	Grab

Footnotes:

A.1.a. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Outfall 001, prior to entering into the drainage pipe running under the Whispering Pines Trailer Park.

A.1.b. The permittee shall record the date and duration of the storm event and the time elapsed in hours since the last measurable storm greater than 0.1 inch. The flow shall be reported as an estimate of the rainfall in inches and as an estimate of the volume of runoff in million gallons per day.

A.1.c. Only storm events greater than 0.10 inches of rain that are preceded by 72 hours of weather which did not experience greater than 0.10 inch. Grab samples shall be collected within the first 30 minutes of flow. If the collection of a grab sample during the first thirty minutes is impracticable, a grab sample can be taken during the first hour of discharge. In such instances, the permittee shall submit a report describing why a grab sample during the first thirty minutes was impracticable. When adverse climactic conditions preclude the ability to sample, the permittee shall submit a report citing the conditions which prevented sampling. Such reports shall be submitted with that month's Discharge Monitoring Report (DMR). For further guidance, see NPDES Storm Water Sampling Guidance Document, EPA 833-B-92-001, July 1992.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. During the period beginning on the effective date and lasting through the expiration date, the permittee is authorized to discharge from outfall serial number 002, treated storm water runoff from on-site and off-site drainage areas designated as the lower watershed. (See Attachment B for location)

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>Max. Daily</u>		<u>Measurement Frequency</u>	<u>Sample Type</u>
pH (S.U.)	6.5-8.3 range (See Part I.A.4)		1/quarter	Grab
Flow (mgd)	Report		1/quarter	Estimate
Total Suspended Solids (TSS)	30 mg/l		1/quarter	Grab
Oil and Grease	5 mg/l		1/quarter	Grab
Lead, Total	20 ug/l		1/quarter	Grab
Copper, Total	17.5 ug/l		1/quarter	Grab
Zinc, Total	65 ug/l		1/quarter	Grab

A.2.a. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Outfall 002, outlet

of wetland basin #3 of the lower detention pond/artificial wetland system, prior to entering off-site existing wetlands.

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A.3.b. The permittee shall record the date and duration of the storm event and the time elapsed in hours since the last measurable storm greater than 0.1 inch. The flow shall be reported as an estimate of the rainfall in inches and as an estimate of the volume of runoff in million gallons per day.

A.4.c. Only storm events greater than 0.10 inches of rain that are preceded by 72 hours of weather which did not experience greater than 0.10 inch. Grab samples shall be collected within the first 30 minutes of flow. If the collection of a grab sample during the first thirty minutes is impracticable, a grab sample can be taken during the first hour of discharge. In such instances, the permittee shall submit a report describing why a grab sample during the first thirty minutes was impracticable. When adverse climactic conditions preclude the ability to sample, the permittee shall submit a report citing the conditions which prevented sampling. Such reports shall be submitted with that month's Discharge Monitoring Report (DMR). For further guidance, see NPDES Storm Water Sampling Guidance Document, EPA 833-B-92-001, July 1992.

PART I.A. Conditions for Outfall 001 and 002

3. The discharge shall not cause a violation of the water quality standards of the receiving waters.
4. The pH of the effluent shall be in the range of 6.5 through 8.3 Standard Units (S.U.) but not more than 0.5 units outside of the background range.
5. The discharge shall not cause objectionable discoloration of the receiving waters.
6. The effluent shall contain neither a visible oil sheen, foam, nor floating solids at any time.
7. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Director as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
 - (1) One hundred micrograms per liter (100 ug/l);
 - (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2, 4-dinitrophenol and for 2- methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 C.F.R. §122.21(g)(7); or
 - (4) Any other notification level established by the Director in accordance with 40 C.F.R. §122.44(f).
 - b. That any activity has occurred or will occur which would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
 - (1) Five hundred micrograms per liter (500 ug/l);
 - (2) One milligram per liter (1 mg/l) for antimony;
 - (3) Ten (10) times the maximum concentration value reported for that pollutant in the

permit application in accordance with 40 C.F.R. §122.21(g)(7); or

(4) Any other notification level established by the Director in accordance with 40 C.F.R. §122.44(f).

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- c. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application and which is not limited under Part I.A.1.a and I.A.2.a of the permit. I.A.1.a and I.A.2.a pertain to the sampling locations of 001 and 002 respectively, not pollutants limited.

B. STORM WATER BEST MANAGEMENT PRACTICES

The permittee shall maintain and continue to implement a Best Management Practice Plan consistent with their current Storm Water Pollution Prevention Plan (SWPPP) developed under prior permits. **Within 180 days of the effective date of this permit**, the permittee shall submit certification to EPA and MA DEP that the plan has been reviewed and is consistent with their SWPPP.

C. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report Form(s) **postmarked no later than the 15th day of the month following the effective date of the permit**.

Signed and dated copies of these, and all other reports required herein, shall be submitted to the Director at the following address:

Environmental Protection Agency
Water Technical Unit (SEW)
P.O. Box 8127
Boston, Massachusetts 02114

Signed and dated copies of all monitoring reports shall be submitted to the state at:

Massachusetts Department of Environmental Protection
Bureau of Waste Prevention
Southern Regional Office
20 Riverside Drive
Lakeville, Massachusetts 02347

In addition, signed and dated copies of all monitoring reports, other notifications and reports required herein by this permit shall be submitted to the state at:

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Massachusetts Department of Environmental Protection
Division of Watershed Management
Surface Water Discharge Permit Program
627 Main Street, 2nd Floor
Worcester, Massachusetts 01608

D. STATE PERMIT CONDITIONS

This discharge permit is issued jointly by the U.S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP) under federal and state law, respectively. As such, all the terms and conditions of this permit are hereby incorporated into and constitute a discharge permit issued by the Commissioner of the MA DEP pursuant to M.G.L. Chap. 21 §43.

Each agency shall have the independent right to enforce the terms and conditions of this permit. Any modification, suspension or revocation of this permit shall be effective only with respect to the agency taking such action, and shall not affect the validity or status of this permit as issued by the other agency, unless and until each agency has concurred in writing with such modification, suspension, or revocation. In the event any portion of this permit is declared invalid, illegal or otherwise issued in violation of state law such permit shall remain in full force and effect under federal law as an NPDES permit issued by the U.S. Environmental Protection Agency. In the event this permit is declared invalid, illegal or otherwise issued in violation of federal law, this permit shall remain in full force and effect under state law as a permit issued by the Commonwealth of Massachusetts.